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**UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEVADA**

In re:
USA COMMERCIAL MORTGAGE COMPANY,

USA CAPITAL REALTY ADVISORS, LLC

USA CAPITAL DIVERSIFIED TRUST DEED FUND,
LLC

USA CAPITAL FIRST TRUST DEED FUND, LLC,

USA SECURITIES, LLC

Debtors

Affects:
USA Commercial Mortgage Company

Case No.: BK-S-06-10725-LBR
Case No. BK-S-06-10726-LBR
Case No. BK-S-06-10727-LBR
Case No. BK-S-06-10728-LBR
Case No. BK-S-06-10729-LBR

Chapter 11

Jointly Administered Under Case No.
BK-S-06-10725-LBR

Judge Linda B. Riegler

**NOTICE OF HEARING ON
MOTION FOR APPROVAL OF
SETTLEMENT PURSUANT TO
RULE 9019 OF THE FEDERAL
RULES OF BANKRUPTCY
PROCEDURE**

Hearing Date: August 21, 2009
Hearing Time: 9:30 a.m.

NOTICE IS HEREBY GIVEN that a Motion for Approval of Settlement Pursuant to Rule 9019 of the Federal Rules of Bankruptcy Procedure (the "Motion") was filed on June 24, 2009 by the USACM Liquidating Trust (the "USACM Trust") [Dkt. No. 7208]. The Motion seeks entry of an order approving the proposed settlement between the USACM Trust, Homes For America Holdings, Inc. ("HFAH"); HFA Clear Lake, LLC ("Clear Lake"); One Point Street, Inc. ("OPSI"); and Meditteranee-HFA, LLC f/k/a HFAH-Monaco, LLC ("Meditteranee") (collectively, the "Defendants" and, collectively with the USACM Trust, the "Parties").

1 **NOTICE IS FURTHER GIVEN** that if you do not want the Court to grant the relief
2 sought in the Motion, or if you want the Court to consider your views on the Motion, then you
3 must file an opposition with the Court, and serve a copy on the person making the Motion ***no later***
4 ***than 15 days*** after the date of this Notice. If the hearing date has been set on less than 15 days'
5 notice, then the opposition must be filed and served ***no later than 5 business days*** before the
6 hearing. The opposition must state your position, set forth all relevant facts and legal authority,
7 and be supported by affidavits or declarations that conform to Local Rule 9014(c).

8 If you object to the relief requested in the Motion, you ***must*** file a **WRITTEN** response to
9 the Motion with the Court. You ***must*** also serve your written response on the person who sent
10 you this notice.

11 If you do not file a written response with the Court, or if you do not serve your written
12 response on the person who sent you this notice, then:
13

- 14 • The Court may *refuse to allow you to speak* at the scheduled hearing; and
- 15 • The Court may *rule against you* without formally calling the matter at the hearing.

16 **NOTICE IS FURTHER GIVEN** that the hearing on the said Motion will be held before
17 the Honorable Linda B. Riegler, United States Bankruptcy Judge, in the Foley Federal Building,
18 300 Las Vegas Boulevard South, Third Floor, Bankruptcy Courtroom No. 1, Las Vegas, Nevada
19 89101 on **Friday, August 21, 2009, at 9:30 a.m.**
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Dated: June 24, 2009.

Respectfully submitted,

DIAMOND MCCARTHY LLP

LEWIS AND ROCA LLP

By: /s/ Stephen T. Loden

By: /s/ Rob Charles

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Special Counsel for USACM Liquidating Trust

Counsel for USACM Liquidating Trust

CERTIFICATE OF SERVICE

I hereby certify that I am an employee of the law firm of DIAMOND MCCARTHY LLP, and that on the 24th day of June 2009, I served a true and correct copy of the foregoing NOTICE OF HEARING ON MOTION FOR APPROVAL OF SETTLEMENT PURSUANT TO RULE 9019 OF THE FEDERAL RULES OF BANKRUPTCY_PROCEDURE was served (1) by electronic transmission to all parties registered to receive ECF notification; (2) by electronic transmission to all parties on the Post-Effective Date Service List Dated March 31, 2009; and (3) by electronic transmission to counsel for the Defendants, Richard F. Holley, Victoria L. Nelson, Santoro, Driggs, Walch, Kearney, Holley & Thompson, 400 South Fourth Street, Third Floor, Las Vegas, Nevada 89101, rholley@nevadafirm.com, vnelson@nevadafirm.com and Mark N. Parry, Declan M. Butvick, Moses & Singer, LLP, The Chrysler Building, 405 Lexington Avenue, New York, New York 10174, mparry@mosessinger.com.

/s/ Catherine A. Burrow,

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Legal Assistant
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